

Remarks

The above Amendments and these Remarks are in reply to a Final Office Action mailed September 5, 2008 and a telephonic interview with the Examiner on September 9, 2008. This Reply is being timely filed prior to two months from the Mailing Date of the Final Office Action. No fees are due.

Status of Claims

Claims 46-50, 51-53 and 57-64 are currently in this application.

Allowable Subject Matter

Claims 46-50 are allowed

Amended Claims

Applicant thanks the Examiner for courtesy shown during the telephonic interview. Applicant further thanks the Examiner for being willing to consider after final amendments to methods of use claims and to consider rejoining methods of use claims into this application prior to issuance.

Claim 51 was rejected for reciting the phrase "or destined to die." As discussed with the Examiner, Applicants have amended Claim 51 to delete the phrase and have focused the disorders to "hypoxic or ischemic injury or disease."

Claim 52 has been amended to point out that the injury or disease is a "hypoxic or ischemic injury or disease" as in Claim 51.

Claim 53 has been amended as suggested by the Examiner to specify the "glutamate receptor antagonists," the "AMPA antagonists" and the "anti-inflammatory agents." Applicants have imported the subject matter from Claim 54 as a Markush group of glutamate receptor antagonists, the subject matter from Claim 55 as a Markush group of AMPA antagonists, and the subject matter from Claim 56 as a Markush group of anti-inflammatory agents.

Applicants have therefore cancelled Claims 54-56.

Claim 57 has been amended to correct the dependency due to the cancellation of Claim 56.

Applicants noted that in the prior Reply, there were two claims numbered "61." As discussed with the Examiner, Applicants have renumbered the second of those claims to be current Claim 62, and have also renumbered original Claim numbers 62 and 63 to current Claim numbers 63 and 64, respectively.

- 6 -

Attorney Docket No.: NRNZ-01048US1
NRNZ-01048US1.107.rep.doc

Applicants respectfully submit that all claims are fully supported by the application and are believed to be allowable, and request the Examiner to consider the methods of use claims, and if allowable, to rejoin those claims into the application and to issue a Supplemental Notice of Allowance.

Applicants respectfully invite the Examiner to telephone the undersigned if he believes that a telephone conference would be valuable in moving this application forward.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-4089 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: September 17, 2008

By: 

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- 7 -

Attorney Docket No.: NRNZ-01048US1
NRNZ-01048US1.107.rep.doc